

**Appl. No.** : 10/822,156  
**Filed** : April 8, 2004

#### REMARKS

Claims 1, 7, and 16 have been amended. No new subject matter has been added. Support for the amendments may be found at least in the original claims and on page 19 lines 9-12 of the specification. Thus, Claims 1, 3-33, and 35-38 are pending.

#### Discussion of Claim Rejections Under 35 U.S.C. §102(b)

Claims 1, 2, 4-6, 8-21 and 23-37 were rejected under 35 U.S.C. §102(b) as being anticipated by Wallace (US 2002/0173875). Wallace discusses “a method for remote dispensing of pharmaceuticals or other medical products.” The method “enables drug prescription dispensing in volume by a physician, pharmacist, or other licensed practitioner directly outside a pharmacy or a hospital. (see paragraph 6).

#### Discussion of Claim Rejections Under 35 U.S.C. §103(a)

Claims 3 and 22 were rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Wallace in view of Waterbury (US 3,896,266) and Claims 7, 16-21, 23-33, and 35-38 was rejected as being unpatentable over Wallace in view of Mase (US 6,532,399). Waterbury discusses a system wherein a security card having personal information is used to securely identify the presenter of the card. (See Abstract). Mase teaches a method for selectively dispensing inventoried items, such as pharmaceutical and therapeutic agents in a hospital. (See Abstract).

#### Discussion of Claims

Applicant respectfully submits that the cited art does not disclose all of the elements of currently amended Claim 1. For example, none of Wallace, Waterbury, or Mase teach a dispensing station for laboratory items having an output unit with a refrigerating or freezing device for cooling or freezing of items comprised in the output unit, where the laboratory items are contained in said refrigerating or freezing device, and wherein the refrigerating or freezing device has a plurality of zones with different temperatures or has at least one zone, the one zone having a temperature gradient.

In the Office Action, with regard to Claim 16, the Examiner states that "Mase's refrigerator, which has at least one refrigeration zone, meets the requirements of the claim language." Applicant respectfully submits that "the zone" of Claim 16 is limited to having a temperature gradient. A zone having a temperature gradient is absent from Wallace, Waterbury, and Mase. Accordingly, Applicant respectfully submits that Claim 1 is novel over Wallace and unobvious over any combination of Wallace, Waterbury, and Mase, and accordingly in condition for allowance. For reasons similar to those discussed above Applicant respectfully submits that independent Claims 16, 33, and 35-38 are also in condition for allowance.

Applicant does not necessarily agree with the Examiners characterization of the cited art with regard to the dependent claims, and respectfully submits that each of the dependent claims are in condition for allowance because of the features they inherit from the independent claim from which they each depend and for their own features. In addition, with regard to certain dependent claims, Applicant respectfully submits the following.

With regard to Claim 4 the Examiner states that "Wallace's card reader (1672) is construed as having an output interface adapted for reading to and from a smart card, since this is how smart cards disclosed by Wallace are known to work." Applicant respectfully submits that Wallace's discussion of a smart card does not teach what data is written to the smart card. For example, the smart card could be a cash value card which has no transaction data written thereto, but rather only a current balance updated. In addition a smart card is not necessarily a personal identification module. Accordingly, Applicant respectfully submits that Wallace does not teach a dispensing station for laboratory items having an output section adapted to write dispensing transaction data to said personal identification module.

With regard to Claim 11, the Examiner states that "Wallace discloses using a wireless network." Applicant respectfully submits that Wallace does not, however, teach a dispensing station for laboratory items having a wireless communication module comprising a transmission section for preparing dispensing transaction data for transmission to a web site.

With regard to Claim 12, the Examiner states that "Wallace discloses using a wireless network." Applicant respectfully submits that Wallace does not, however, teach a dispensing station for laboratory items having a wireless communication module comprising a transmission section for preparing and sending a short message (SMS) containing dispensing transaction data to at least one phone number.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

John M. Carson  
Registration No. 34,303  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

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